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Attorney Docket No. 19705-010
(MTAP-10)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Thomas T. Andersen et al.

APPLICATION NUMBER: 09/872,623

EXAMINER: Anthony C. Caputo

FILED DATE:

June 2, 2001

ART UNIT: 1642

FOR:

ALPHA-FETOPROTEIN PEPTIDES AND USES THEREOF

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES
UNDER 35 U.S.C. §121

Dear Sir:

This is in response to the Office Action (Paper No. 8) dated September 26, 2002 in this application. A Petition For Extension Of Time up to and including November 26, 2001, with the appropriate fee, is filed herewith.

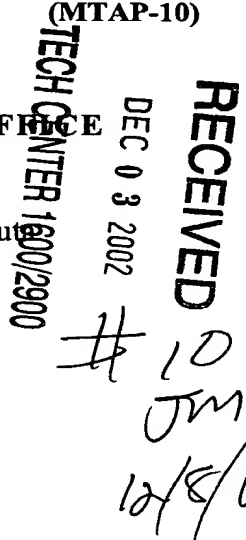
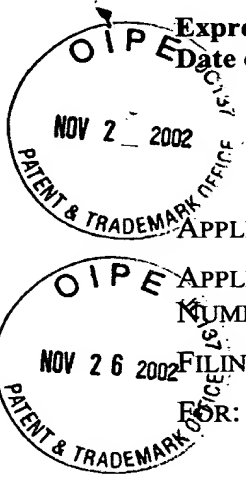
The Examiner has required restriction of the claims in this application to one of the following inventions:

- Group I: claims 1-15 (drawn to peptides comprising a hydrophilic analog of an alpha-fetoprotein);
- Group II: claim 16 (drawn to an antibody that binds a peptide comprising a hydrophilic analog of an alpha-fetoprotein);
- Group III: claims 17-18 (drawn to a method of reducing estrogen-stimulated growth of cells); and
- Group IV: claims 19-22 (drawn to methods of treating or preventing cancer.)

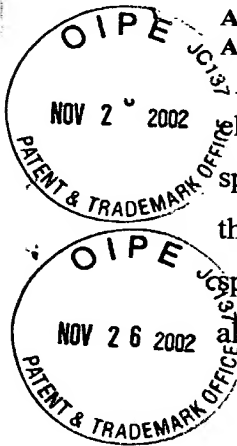
In response, Applicant hereby elects without traverse the invention of Group I, encompassed by claims 1-15.

In the Office Action, the Examiner also required election under 35 U.S.C. §121, for searching purposes only, a single disclosed peptide species from SEQ ID NOs: 2, 3, 4, 5, 7, 8, 9, 10 and 11. Applicants elect SEQ ID NO. 5.

It is Applicant's understanding that this-made species election is for searching purposes only and upon a finding of allowability of the elected species, the remaining species will also be searched. It is Applicant's further understanding that under 35 U.S.C. §121, upon required



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selection of a single species for prosecution on the merits, the claims will be restricted to said species if no generic claim is finally held allowable. Applicant further understands that upon the allowance of a generic claim, he will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141 *et seq.*

SUMMARY

If a telephone conversation with Applicant's attorney would help expedite the prosecution of this application, the Examiner is invited to call at (617) 542-6000.

Please apply any charges not covered, or any credits, to Deposit Account 50-0311 (Reference No. 19705-010 (MTAP-10)), Customer No. 30623.

Respectfully submitted,

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Dated: November 26, 2002